

Town Board Minutes

May 19, 2003

Meeting No. 18

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 19th day of May 2003, at 6:30 PM and there were

PRESENT: MARK MONTOUT, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
JOHN GOBER, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: RICHARD ZARBO, COUNCIL MEMBER
REBECCA ANDERSON, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYSZKA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTGOMERY, TO WIT:

WHEREAS, a residential subdivision situated on the west side of Steinfeldt Road south of Erie Street was approved by the Town Board on March 19, 1990, said subdivision being identified as Roseland Subdivision, and

WHEREAS, the subdivision was never constructed and the owner has now revisited the subdivision with the Municipal Review Committee and has sought the issuance of public improvement permits, and

WHEREAS, the Municipal Review Committee and Town Attorney have reviewed SEQR regulations to determine whether it is necessary to reopen the environmental review of this project and have determined that there is no further environmental review necessary since the design and density of the subdivision have not changed and the detention area is sized to a 100 year storm;

NOW, THEREFORE, BE IT

RESOLVED, that the Municipal Review Committee has determined that there is no need for a further environmental review under the SEQR regulations on the above referenced subdivision since there are no changes in the design of the subdivision or changes in the proposed density and the detention area is sized to a 100 year storm which meets the new requirement for Storm Water Protection Plan (SWPP) imposed by the Environmental Protection Agency and Department of Environmental Conservation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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|------------------------------------|------------|
| COUNCIL MEMBER MONTGOMERY | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| COUNCIL MEMBER ZARBO | WAS ABSENT |
| SUPERVISOR GIZA | VOTED YES |
| PLANNING BOARD MEMBER ANDERSON | WAS ABSENT |
| PLANNING BOARD MEMBER GOBER | VOTED YES |
| PLANNING BOARD MEMBER KORZENIEWSKI | WAS ABSENT |
| PLANNING BOARD MEMBER MYSZKA | WAS ABSENT |
| PLANNING BOARD MEMBER SOCHA | VOTED YES |
| PLANNING BOARD MEMBER SZYMANSKI | WAS ABSENT |
| PLANNING BOARD CHAIRMAN KEYSA | VOTED NO |

May 19, 2003

**IN THE MATTER OF THE SEQR REVIEW OF THE
LANCASTER DENTAL ASSOCIATES, PC SITE PLAN**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Lancaster Dental Associates site plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled “Part 2 Project Impacts and Their Magnitude” which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
PLANNING BOARD MEMBER GOBER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION
LANCASTER DENTAL ASSOCIATES, PC SITE PLAN
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.79 acres.

The location of the premises being reviewed is situate at 5755 Broadway, Lancaster, County of Erie, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.
It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species.
 - It is noted that pesticide or herbicide may be applied as a routine lawn service.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
 - It is noted that the land has not been used for agricultural purposes for more than ten years and has been previously disturbed. A house has been situated on this property for approximately 150 years.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.

- It is noted that the Town of Lancaster Planning Board has requested that the architect provides the Town Clerk a photographic record of the interior and exterior of the house and barn for future reference.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
 14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
 15. The proposed action will not affect existing transportation systems.
 16. The proposed action will not affect the community's sources of fuel or energy supply.
 17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
 18. The proposed action will not affect public health and safety.
 19. The proposed action will have a small to moderate impact on the character of the existing community.
 - There may be a slight increase in demand for fire service.
 - There may be a small to moderate increase in employment as a result of the project.
 - This site was a vernacular structure built approximately 150 years ago. A photographic record has been requested.
 20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

N.B. The Municipal Review Committee, in response to the comments in the May 7, 2003 communication from Christopher J. Sansone, Erie County Department Of Environment & Planning, makes the following comments:

- A. The subject property is not immediately adjacent to Como Lake Park. It is approximately 1,000 feet away from the northern boundary of Como Lake Park.
- B. The rear portion of the subject property is not located in the Cayuga Creek 100 year flood plain, it is several hundred feet from the northerly boundary thereof.
- C. Although the "Lancaster North-South Corridor Preservation Study" (1999) done by the Greater Buffalo Niagara Regional Transportation Council identifies this piece of property as having prime agricultural soils, it has not been farmed in a significant period of time. Agricultural lands need to be clustered together to be effective; this parcel is not near any active farm, and is not of a size to be efficiently farmed.

s/s _____

SEAL

Robert H. Giza, Supervisor
Town of Lancaster

May 19, 2003

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call, which resulted as follows:

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| COUNCIL MEMBER MONTOUR | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| COUNCIL MEMBER ZARBO | WAS ABSENT |
| SUPERVISOR GIZA | VOTED YES |
| PLANNING BOARD MEMBER ANDERSON | WAS ABSENT |
| PLANNING BOARD MEMBER GOBER | VOTED YES |
| PLANNING BOARD MEMBER KORZENIEWSKI | WAS ABSENT |
| PLANNING BOARD MEMBER MYSZKA | WAS ABSENT |
| PLANNING BOARD MEMBER SOCHA | VOTED YES |
| PLANNING BOARD MEMBER SZYMANSKI | WAS ABSENT |
| PLANNING BOARD CHAIRMAN KEYSA | VOTED YES |

The Notice of Determination was thereupon unanimously adopted.

May 19, 2003

ADJOURNMENT:

ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA, AND
SECONDED BY COUNCIL MEMBER STEMPNIAK FOR ADJOURNMENT OF THE
MEETING, by voice vote, resulted as follows:

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|------------------------------------|------------|
| COUNCIL MEMBER MONTOUR | VOTED YES |
| COUNCIL MEMBER RUFFINO | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| COUNCIL MEMBER ZARBO | WAS ABSENT |
| SUPERVISOR GIZA | VOTED YES |
| PLANNING BOARD MEMBER ANDERSON | WAS ABSENT |
| PLANNING BOARD MEMBER GOBER | VOTED YES |
| PLANNING BOARD MEMBER KORZENIEWSKI | WAS ABSENT |
| PLANNING BOARD MEMBER MYSZKA | WAS ABSENT |
| PLANNING BOARD MEMBER SOCHA | VOTED YES |
| PLANNING BOARD MEMBER SZYMANSKI | WAS ABSENT |
| PLANNING BOARD CHAIRMAN KEYSA | VOTED YES |

The meeting was adjourned at 7:09 P.M. in memory of Kathleen Szymanski
Baccari.

Signed _____
Johanna M. Coleman, Town Clerk